GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Revenue Department - Sri M.Dhanunjaya, former Tahsildar, Macherla Mandal, presently working as Executive Director, District Scheduled Caste Service Cooperation Society Limited, Guntur - Departmental proceedings under rule 20 of A.P.C.S. (CC & A) Rules, 1991 - Articles of charges – Issued.

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REVENUE (VIGILANCE.III) DEPARTMENT

G.O.Rt.No.725 **Dated:03.09.2020.**
Read:-

From the CCLA, A.P., Vijayawada, Ref.No.VSI(1)/111/2017, Dt:27.02.2020.

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ORDER:

It is proposed to hold an enquiry against Sri M.Dhanunjaya, former Tahsildar, Macherla Mandal, presently working as Executive Director, District Scheduled Caste Service Cooperation Society Limited, Guntur in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the enquiry is proposed to be held is set out in the enclosed statement of Articles of charges (Annexure—I). A statement of imputations of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charges are proposed to be sustained are also enclosed (Annexure – III & IV).

3. Sri M.Dhanunjaya, former Tahsildar, Macherla Mandal, is directed to submit, within 10 days of the receipt of this order, a written statement of his defense.

4. Sri M.Dhanunjaya, former Tahsildar, Macherla Mandal, is informed that an inquiry will be held only in respect of those articles of charges as are not admitted. He should therefore, specifically admit or deny each article of charge.

5. Sri M.Dhanunjaya, former Tahsildar, Macherla Mandal, is further informed that if he does not submit his written statement of defense on or before the date specified in Para—3 above, further action will be processed based on the material available.

6. Attention of Sri M.Dhanunjaya, former Tahsildar, Macherla Mandal, is invited to Rule 24 of A.P.C.S (Conduct) Rules 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Sri M.Dhanunjaya, former Tahsildar, Macherla Mandal, is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF THE ANDHRA PRADESH)

V.USHARANI,
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri M.Dhanunjaya, former Tahsildar, Macherla Mandal, presently working as Executive Director, District Scheduled Caste Service Cooperation Society Limited, Guntur through the Chief Commissioner of Land Administration, A.P., Vijayawada.

Copy to:
The Chief Commissioner of Land Administration, A.P., Vijayawada.
The Collector & District Magistrate, E.G.District.
Sf/Sc.

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST SRI M.DHANUNJAYA, TAHSILDAR, MACHER LA MANDAL, PRESENTLY WORKING AS EXECUTIVE DIRECTOR, DISTRICT SCHEDULED CASTE SERVICE COOPERATIVE SOCIETY LIMITED, GUNTUR.

Article of Charge-I:

That the said Sri M.Dhanunjaya, being a responsible Government servant, the then Tahsildar, Macherla Mandal, presently working as Executive Director, District Scheduled Caste Service Cooperative Society Limited, Guntur failed to detect and arrest the diversion of PDS Rice from his jurisdiction and deliberately protected the criminals for ulterior gains thereby misused his powers. Thus he violated Rule 3 of APCS (Conduct) Rules, 1964.

Article of Charge-II:

That the said Sri M.Dhanunjaya, being a responsible Government servant, the then Tahsildar, Macherla Mandal, presently working as Executive Director, District Scheduled Caste Service Cooperative Society Limited, Guntur though asked by the officials of Vigilance and Enforcement officials to file criminal complaint against 4 persons viz.. 1. Sri E.Krishna Reddy, 2.Sk.B.Allauddin of Macherla, 3.EswaraReddy, Owner of the Lorry and 4. Sk.Rafee, Driver of the vehicle, Mandadi Village for illegal diversion of PDS Rice stocks and misappropriation of Government property, intentionally withdrawn the involvement of the two persons i.e., Sri Edururi Krishna Reddy and Shaik Burra Allauddin of Macherla who are the actually involved in diversion of PDS Rice stocks into black-market for their personal gain, but he filed case U/s 6-A of E.C.Act, 1955 against the driver and cleaner of the vehicle by alleging that they are doing clandestine business with PDS rice stocks for their personal gain. Thus he violated Rule 3 of APCS (Conduct) Rules, 1964.

V.USHARANI,
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF CIIARGE FRAMED AGAINST SRI M.DHANUNJAYA, THE THEN TAHSILDAR, MACHERLA MANDAL, PRESENTLY WORKING AS EXECUTIVE DIRECTOR, DISTRICT SCHEDULED CASTE SERVICE COOPERATIVE SOCIETY LIMITED, GUNTUR

The Director General (V&E) & E.O., PrI.Secretary to Govt., GAD, A.P., Hyderabad vide Vigilance Report No.64 (C.N0.49/V&E/CS/2010), Dt.7.6.2010 has reported that on 15.2.2010, the Vigilance Officials intercepted a lorry bearing No. AP 27U 5526 containing 220 bags @ 50 Kgs. each at Tallapalti Village of Macherla Mandal while transporting from Macherla Town. During the enquiry, Sri Shaik Rafee, Driver of the vehicle has stated that the PDS rice stocks loaded by Sri Edururi Krishna Reddy and Shaik Burra Allauddin of Macherla Town into lorry which was collected from Macherla Town and surrounding villages and transporting the same as per their instructions. When, they verified the stocks available in the lorry, noticed that 220 bags of rice stocks @ 50 Kgs. each are available in the lorry and out of that, 190 bags are having FCI marks and the remaining 30 bags are while polythene bags.

Basing on the statement given by the driver of the vehicle, it is revealed that Sri Edururi Krishna Reddy, Shaik Burra Allauddin and Sri Eswar Reddy, Owner of lorry are indulged in clandestine business by diverting the PDS rice stocks into black-market by purchasing the same from the F.P.shop dealers. Hence, the Vigilance & Enforcement Officials seized the lorry along with 220 bags of PDS rice stocks under cover of mediatomarna and handed over the stocks to the MLS Point Incharge, Macherla for safe custody. The Tahsildar, Macherla was also asked to file criminal complaint against 4 persons viz., (1) Sri E.Krishna Reddy; (2) Sk.B.Allauddin of Macherla; (3) Eswara Reddy, Owner of the lorry and (4) Sk.Rafee, Driver of vehicle. Mandadi Village for illegal diversion of PDS rice stocks and misappropriation of Government property. Instead of 4 persons, the Tahsildar, Macherla has filed complaint against two persons viz., Eswara Reddy, Owner of lorry and Sk.Rafee, Driver of the lorry at Nagarjuna Sager PS and filed case under Sec.6-A of E.C.Act, 1955 before the Collector (CS), Guntur.

But, basing on the mediatornama, the Station House Officer, Nagarjuna Sagar PS has registered a criminal case vide Cr.No.I8/2010 u/Sec.420, 406, 34 of IPC on 17.2.2010 against the above 4 persons and arrested the owner and driver of the vehicle and sent them to judicial custody.

The Vigilance & Enforcement Officials enquired the Tahsildar, Macherla regarding non filing of complaint against the other two persons i.e., Sri E.Krishna Reddy and Sri Sk.B.Alluddin of Macherla who are the main racketeers in diversion of PDS rice stocks into black-market, Sri M.Dhanunjaya, the then Tahsildar, Macherla Mandel, presently working as Executive Director, District Scheduled Caste Service Cooperative Society Limited, Guntur has stated that Sri K.Srinivasa Sharma, Mandel Revenue Inspector-I, Macherla who participated in the seizure of PDS rice along with Vigilance & Enforcement Officials has given a copy of mediatornama drafted at the time of seizure for filing case u/Sec.6-A of E.C.Act, 1955 and Criminal Case against 4 persons mentioned in the mediatornama, as instructed by the Vigilance & Enforcement Officials. When, he was questioned about the basis to conclude that the 4 persons are accused in diversion of PDS rice stocks, they stated that as per confession statement of driver recorded by the Vigilance & Enforcement Officials concluded that the above 4 persons are accused. During the enquiry with the said 4 persons for filing of case u/Sec.6-A of E.C.Act, 1955, Sri Eswara Reddy, Owner of the vehicle stated that he is completely responsible for the said diversion and Sri E.Krishna Reddy and Sri Sheik Burra Allauddin are not concerned to this case. Sri Sk.Rafee, Driver of the vehicle also stated that he is not aware of the details of the stocks and he simply signed on the statement drafted by the officials, as he is uneducated. Hence, he filed complaint against owner and diver of the vehicle only.

Rebuttal : But, the explanation of the Tahsildar, Macherla was not convincing. When, the officials of Vigilance & Enforcement Department along with officials of Revenue Department and mediators came to a conclusion that the same was reflected in the mediatornama. Once the mediatornama was drafted, the Tahsildar should not alter the things that were described in it and it is his duty to lodge an FIR in local Police Station. The Station House Officer is the investigating authority and there is no role of the Tahsildar to alter the prima-facie facts that

(Contd…2)

were described in the medatornania. But, the Tahsildar, Macherla has conducted separate enquiry in this case and filed complaint against two persons only while eliminating two main accused who are the masterminds in diversion of PDS rice in Macherla region, thereby he protected the main culprits.

Findings by the Vigilance Authorities:

01) Sri M.Dhanunjaya, the then Tahsildar, Macherla Mandel, presently working as Executive Director, District Scheduled Caste Service Cooperative Society Limited, Guntur has failed to detect and arrest the diversion of PDS rice from his jurisdiction and deliberately protected the criminals for ulterior gains thereby misused his powers.

02) After the incident, he conducted enquiry separately with 4 accused mentioned in the mediatornama, filed complaint petition against 2 accused at NagarjunaSagar P.S. and filed case u/Sec.6-A of E.C.Act, 1955 against Sri Eswar Reddy, Owner of the vehicle. This revealed that he deliberately acted to save the actual kingpins in diversion of PDS rice from criminal action.

03) The mediatornama drafted based on reliable information on involvement of Sri E.Krishna Reddy and Sri Sk.B.Allauddin of Macherla in diversion of PDS rice stocks into black-market, as they are the masterminds in diversion of PDS rice in Macherla Region. The same fact was voluntarily stated by Sri Sk.Rafee, Driver of the vehicle, which corroborates above hear-say evidence.

The Tahsildar, Macherla has filed a case u/Sec.6-A of E.C.Act, 1955 in the Court of Joint Collector, Guntur against Sri S.Eswara Reddy, Owner of lorry No.AP 27U 5526 and Sri Sk.Rafee, Driver of the vehicle on the allegation that the owner of the vehicle purchasing the PDS rice stocks from the card-holders and diverting the same into black-market through his vehicle with the help of his driver. The said case was registered vide E.C.Act Case No.42J2010-S7 and the Joint Collector, Guntur heard the case and passed final orders on 11.3.2010 by confiscating the entire seized 110.00 Qtls. of PDS rice stock to the Government and released the seized vehicle to the owner of the vehicle by imposing a fine of Rs.2,000/- on him.

The Vigilance Authorities have opined that the Tahsildar, Macherla intentionally withdrawn the involvement of the two persons i.e., (1) Edururi Krishna Reddy and (2) Sheik Burra Alluddin of Macherla who are the actually involved in diversion of PDS rice stocks into black-market for their personal gain. But, he filed case u/Sec.6-A of E.C.Act, 1955 against the driver and cleaner of the vehicle by alleging that they are doing clandestine business with PDS rice stocks for their personal gain and recommended to initiate necessary disciplinary action against Sri M.Dhanunjaya, the then Tahsildar, Macherla Mandal, presently working as Executive Director, District Scheduled Caste Service Cooperative Society Limited, Guntur for the above irregularity committed by him.

That Sri M.Dhanunjaya, the then Tahsildar, Macherla Mandal, presently working as Executive Director, District Scheduled Caste Service Cooperative Society Limited, Guntur by his above mentioned acts, has exhibited lack of integrity, devotion to duty and conduct un-becoming of a State Government Servant and thereby contravened Rule 3(1) of A.P.C.S (Conduct) Rules, 1964.

Thus, that Sri M.Dhanunjaya, the then Tahsildar, Macherla Mandal, presently working as Executive Director, District Scheduled Caste Service Cooperative Society Limited, Guntur has therefore rendered himself liable for departmental Action under A.P.C.S. (CC&A) Rules. 1991.

V.USHARANI,
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-III

List of documents by which articles of charge framed against Sri M.Dhanunjaya, the then Tahsildar, Macherla Mandel, presently working as Executive Director, District Scheduled Caste Service Cooperative Society Limited, Guntur are proposed to be sustained

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Rc.No.797/2010-S7, Dt.01.11.2010 along-with Vigilance Report No.64 (C.No.49N& E/CS/2010), Dt.07.06.2010.

V.USHARANI,
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-IV

List of witnesses by whom the Articles of charges framed against Sri M.Dhanunjaya, the then Tahsildar, Macherla Mandal, presently working as Executive Director, District Scheduled Caste Service Cooperative Society Limited, Guntur are proposed to be sustained.

-Nil-

V.USHARANI,
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER